

STANDARD APPLICATION  
**Harford County**  
**Board of Appeals**  
Bel Air, Maryland 21014

AUG - 9 2004

Case No. 5441  
Date Filed 8/6/04  
Hearing Date \_\_\_\_\_  
Receipt \_\_\_\_\_  
Fee \$400.00

Shaded Areas for Office Use Only

Type of Application

Nature of Request and Section(s) of Code \_\_\_\_\_

- ☐ Administrative Decision/Interpretation  
☒ Special Exception  
☐ Use Variance  
☐ Change/Extension of Non-Conforming Use  
☐ Minor Area Variance  
☐ Area Variance  
☐ Variance from Requirements of the Code  
☐ Zoning Map/Drafting Correction

CASE 5441 MAP R1 TYPE Special Exception

ELECTION DISTRICT 1 LOCATION 1113 Hanson Road, Edgewood, Md. 21040

BY Eva Sue and Dewey Nichols, 1111-B Hanson Road, Edgewood, Md. 21040

Appealed because a Special Exception pursuant to Section 267-53F(8) of the Harford County Code to allow a Personal Care Boarding Home in an R1 District requires approval by the Board.

☒ Special exception

**NOTE:** A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name EVA SUE Nichols Phone Number 410-676-3374  
Address 1111-B HANSON Rd. Edgewood md. 21040  
Street Number Street City State Zip Code

Co-Applicant Dewey Nichols Phone Number 410-676-3374  
Address 1111-B HANSON Rd. Edgewood, md. 21040  
Street Number Street City State Zip Code

Contract Purchaser \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

Attorney/Representative \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

## Land Description

Address and Location of Property

1113 HANSON Road  
Edgewood, Md. 21040

Subdivision

NA

Lot Number

Acreage/Lot Size

1.99

Election District

01

Zoning

R1

Tax Map No.

65

Grid No.

3-D

Parcel

365

Water/Sewer: Private

☒

Public

List ALL structures on property and current use:

Shed - Storage

Attached garage - Storage -

Estimated time required to present case:

20 Min

If this Appeal is in reference to a Building Permit, state number

NOT

Would approval of this petition violate the covenants and restrictions for your property?

No

Is this property located within the County's Chesapeake Bay Critical Area? Yes

No ☒

If so, what is the Critical Area Land Use designations:

None

Is this request the result of a zoning enforcement investigation? Yes

No ☒

Is this request within one (1) mile of any incorporated town limits? Yes

No ☒

## Request

Special Exception to operate Personal  
Care Boarding Home for Seniors.

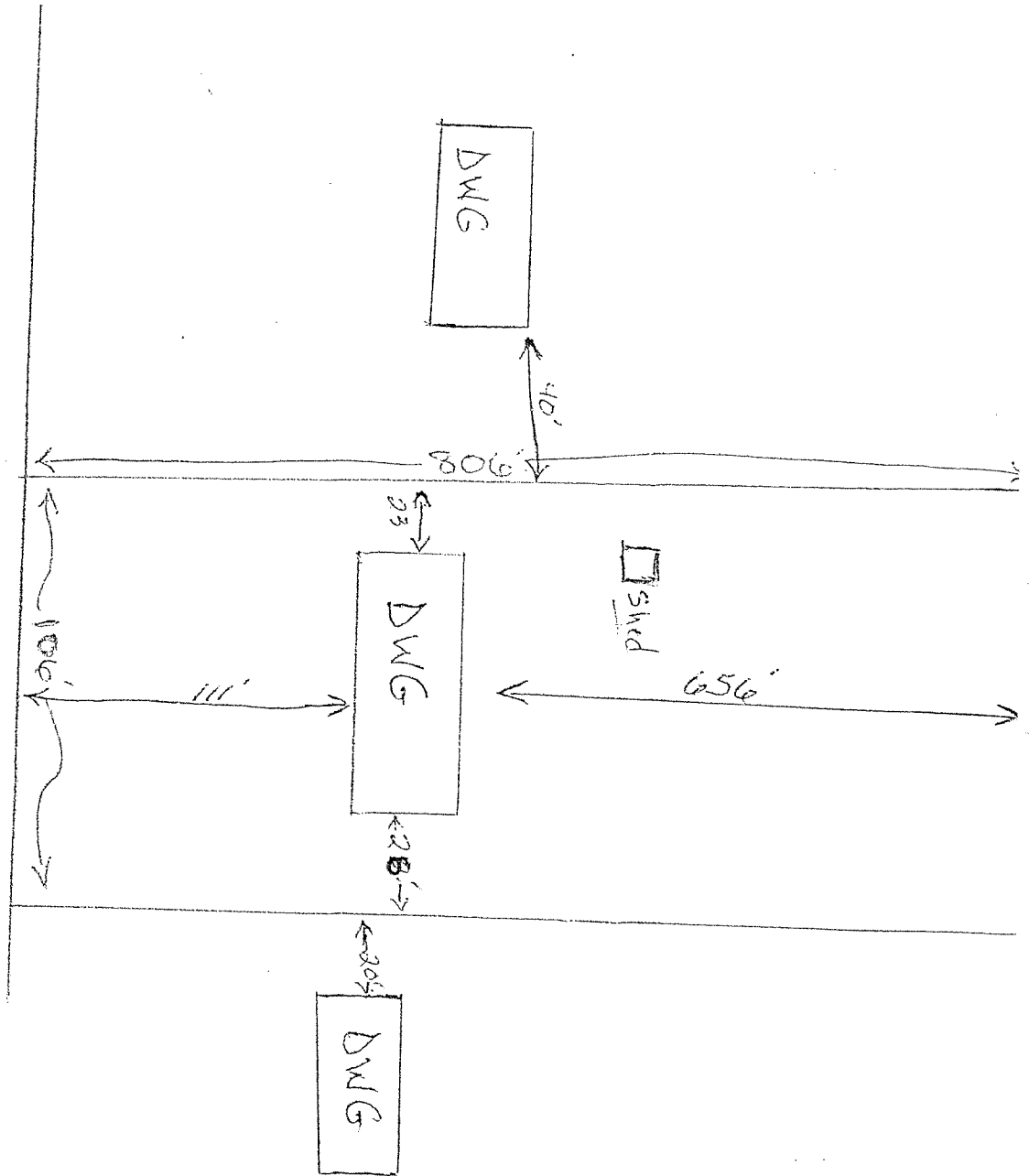
## Justification

There is such a great need for this type of  
service in Harford County. The county has  
granted several <sup>they</sup> Assisted Living facilities in the  
area but the average senior cannot afford  
to stay in them, and most do not want  
Medicaid waiver individuals. I want to offer a

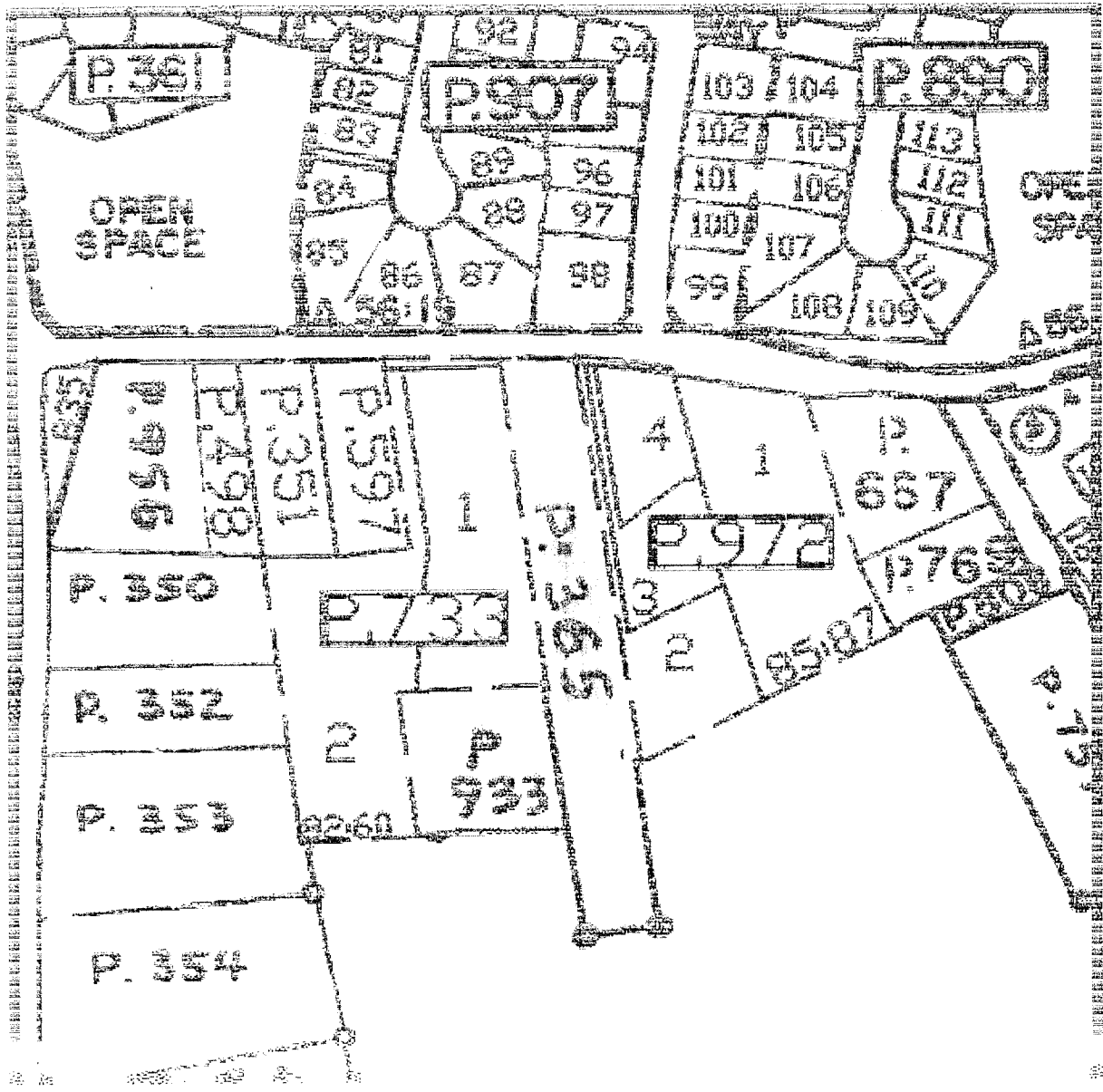
If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

service for the Elderly that need help with  
the functions of daily living. I would provide  
meals, care and 24 hr. supervision.  
I feel that this would not be detrimental  
to any adjacent property owners and would  
benefit the community of Harford County.

HANSON ROAD



to Scale 1" = 100'



JAMES M. HARKINS  
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.  
DIRECTOR OF ADMINISTRATION



J. STEVEN KALL-ZIEGLER  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

### Department of Planning and Zoning

September 14, 2004

### STAFF REPORT

### BOARD OF APPEALS CASE NO. 5441

APPLICANT/OWNER: Eva Sue Nichols  
1111B Hanson Road, Edgewood, Maryland 21040

Co-APPLICANT: Dewey Nichols  
1111B Hanson Road, Edgewood, Maryland 21040

REPRESENTATIVE: Applicants

LOCATION: 1111B Hanson Road  
Tax Map: 65 / Grid: 3D / Parcel: 365  
Election District: First (1)

ACREAGE: 1.99 acres

ZONING: R1/Urban Residential District

DATE FILED: August 6, 2004

HEARING DATE: October 6, 2004

### APPLICANTS' REQUEST and JUSTIFICATION:

#### Request:

"Special Exception to operate Personal Care Boarding Home for Seniors."

#### Justification:

"There is such a great need for this type of service in Harford County. The County has granted several large assistant living facilities in the area but the average senior cannot afford to stay in

*Preserving our values, protecting our future*

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them, and most do not want Medicaid waiver individuals. I want to offer a service for the elderly that need help with the functions of daily living. I would provide meals, care and 24 hr. supervision. I feel that this would not be detrimental to any adjacent property owners and would benefit the citizens of Harford County."

### **CODE REQUIREMENTS:**

The Applicants are requesting a Special Exception pursuant to Section 267-53F(8) of the Harford County Code to allow a Personal Care Boarding Home in an R1/Urban Residential District.

Section 267-53F(8) of the Harford County Code reads:

- (8) *Personal-care boarding homes. These uses may be granted in the AG, RR, R1, R2, R3, R4, RO, VB, and VR Districts, provided that:*
- (a) *The proposed use shall be located in a single-family detached dwelling.*
  - (b) *The proposed use meets the minimum lot size requirements for a conventional single-family residence in the district where located.*
  - (c) *A maximum density of one (1) boarder per two thousand (2,000) square feet of lot area shall be maintained.*
  - (d) *Adequate off-street parking shall be provided.*
  - (e) *Where an application is for construction of a new dwelling, the dwelling shall be similar in appearance to other single-family dwellings in the neighborhood.*

Enclosed with the report is a copy of Section 267-51 and 267-52 of the Harford County Code (Attachment 1).

Section 267-9I of the Harford County Code will be discussed in detail later in the report.

### **LAND USE and ZONING ANALYSIS:**

#### **Land Use – Master Plan:**

The Applicants' property is located in the southern end of the County and is situated on the south side of Hanson Road, approximately 800 feet east of Magnolia Road (MD Route 152). A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located within the Development Envelope. The land use designations in this area of the County include Low, Medium and High Intensities and Industrial/Employment. The Natural Features Map reflects stream buffer systems. The subject property is designated as Medium Intensity, which is defined by the 2004 Master Plan as:

**Medium Intensity** - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.

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Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

### Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. Residential uses include mobile home parks, single-family dwellings, townhouses, garden apartments and condominiums. Commercial uses include individual retail centers and personal and professional services. Industrial uses include distribution, warehousing and light manufacturing. Enclosed with the report is a copy of the aerial photograph (Attachment 6).

The subject parcel is located on the south side of Hanson Road approximately 800 feet east of Magnolia Road (MD Route 152). The property is presently a long, narrow parcel and according to a plat presented in Board of Appeals Case 5386, the property is 2.12 acres in size with approximately 106 feet of frontage on Hanson Road. Board of Appeals Case 5386 approved panhandle lots to the rear of the subject property. The front lot around the existing dwelling, which is the subject of this case, will become Lot 1 (Parcel 365) and will be 1.04 acres in size. The second lot (Lot 2) utilizing the rear half of the property will have a panhandle access and will be 1.08 acres in size (Attachment 7). Plans to subdivide the property have not been submitted to the Department at this time. The topography of the property is gently sloping to rolling. The subject tract backs up to the Magnolia Estates Mobile Home Park. Parcel 933 to the west is also owned by the Applicants and contains an approved and licensed Personal Care Boarding Home. Parcel 733 contains a residence along with an approved school bus business. The Smith family, who also operate a Personal Care Boarding Home, own the property adjoining to the east side. The improvements on the subject property consist of a brick rancher with an attached garage, blacktopped driveway and a couple of sheds. The lot is primarily open. Enclosed with the report is a topography map, site photographs and an enlargement of the aerial photograph (Attachments 8, 9 and 10).

### Zoning:

The zoning classifications in the area are consistent with intent of the 2004 Master Plan as well as the existing land uses. Residential zoning ranges from R1 to R3/Urban Residential Districts. Commercial zoning includes B3/General Business and CI/Commercial Industrial Districts. There are also areas of LI/Light Industrial and GI/General Industrial Districts. The subject property is zoned R1/Urban Residential District, as shown on the enclosed copy of the zoning map (Attachment 11).

### SUMMARY:

The Applicants are requesting a Special Exception pursuant to Section 267-53F(8) of the Harford County Code to allow a Personal Care Boarding Home in an R1/Urban Residential District.

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Section 267-53F(8):

- (8) *Personal-care boarding homes. These uses may be granted in the AG, RR, R1, R2, R3, R4, RO, VB, and VR Districts, provided that:*

The subject property is zoned R1/Urban Residential District.

- (a) *The proposed use shall be located in a single-family detached dwelling.*

The existing dwelling is a single-family brick rancher with an attached two-car garage.

- (b) *The proposed use meets the minimum lot size requirements for a conventional single-family residence in the district where located.*

The property is zoned R1/Urban Residential District, which allows for a minimum lot size of approximately 20,000 square feet. The subject lot is presently 2+ acres in size and after it is subdivided it will be 1.04 acres, which exceeds the minimum required lot size.

- (c) *A maximum density of one (1) boarder per two thousand (2,000) square feet of lot area shall be maintained.*

The Applicants are proposing to house a total of five boarders at this location, which is below the maximum density permitted.

- (d) *Adequate off-street parking shall be provided.*

The Applicants are required to provide a minimum of three unobstructed parking spaces in addition to parking for the residents of the dwelling. The garage will provide parking for the residents living in the dwelling and there appears to be sufficient room to the right of the driveway to provide a parking pad for three spaces. The Applicants are aware of the requirements since they own and operate a Personal Care Boarding Home on the adjoining parcel.

- (e) *Where an application is for construction of a new dwelling, the dwelling shall be similar in appearance to other single-family dwellings in the neighborhood.*

Not applicable to the request.

Section 267-9I:

- (1) *The number of persons living or working in the immediate area.*

The proposed Personal Care Boarding Home will provide a necessary service to the citizens living in the area. The property can provide a good living environment for the residents and should have no adverse impact on the community. The Nichols family has operated a Personal Care Boarding Home on the adjoining property for approximately 20 years. The Smith family

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on the adjoining land to the east has operated a Personal Care Boarding Home for almost the same length of time.

- (2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

The property is located on the south side of Hanson Road approximately 800 feet east of Magnolia Road (MD Route 152). Magnolia Road (MD Route 152) is a State road with a functional classification of Minor Arterial-Urban Road. Hanson Road is a County road with a functional classification of Collectors-Urban Road. Access to the site is from Hanson Road. The proposed use will not generate a significant amount of additional traffic and will not adversely impact traffic conditions in the area.

- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the county.*

The use is permitted in the R1/Urban Residential District with Board of Appeals approval. Based on this Department's review, the Applicants can meet the Code requirements as outlined in this report. The request will not have an adverse fiscal impact on the County.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The proposed use should have little or no impact on the surrounding community pursuant to the issues listed in this section.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The Harford County Sheriff's Office and Maryland State Police will provide police protection. Primarily, Joppa and Edgewood Volunteer Fire Companies will provide fire protection. Water and sewer facilities will be provided by public water and sewer connections. A company of the Applicants' choice will handle trash collection.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The use is consistent with generally accepted planning principles and practices.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

The area is convenient to schools, churches in the community, hospitals and social activities, which makes it a prime location for this particular use.

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- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposal is consistent with the intent of the Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

There are no environmentally sensitive features located on this property.

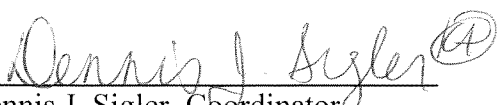
- (10) *The preservation of cultural and historic landmarks.*


Not applicable to the subject request.

**RECOMMENDATION and/or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicants shall submit a detailed site plan to be reviewed and approved through the Development Advisory Committee.
2. The Applicants shall obtain all necessary permits and inspections for the use.
3. The Applicants are limited to five residents at this location.

  
Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review

  
Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning

DJS/ASM/ka